IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

Bail Appl..No. 7306 of 2007()

CRIME NO. 165/07 OF NEYYATTINKARA POLICE STATION
CMP.7626/2007 of J.M.F.C.,KATTAKADA

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PETITIONER/ACCUSED:

SELIN PAUL @ JOY, S/O. AMBAI LEELA,
SABHUTHANGIRODARIKATHU VEEDU, KOKKUDI MURI,
MANNOORKKARA VILLAGE, NEYYATTINKARA.

BY ADV. SRI.G.SUDHEER

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7306 of 2007

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Dated this the 29th day of November, 2007

O R D E R

Application for regular bail. The petitioner faces allegations in a crime registered under the caption 'unnatural death' under Section 174 Cr.P.C. Later, allegations under Sections 306 and 498A I.P.C. have been included.

2. The spouses have remained married for 2 ½ years. Of course, there is a contention that the marriage was not legal and valid. A child was born in the wedlock. While they were residing together, on 29.9.2007 the deceased attempted to commit suicide by pouring kerosene and setting her ablaze. She succumbed to the burn injuries on 1.10.2007. The petitioner was arrested on 14.11.2007. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. In the crime registered immediately after the death of the woman, on the basis of the statement of her mother no allegation is raised under

Section 498A I.P.C. Subsequently allegations are raised to falsely implicate the petitioner. The petitioner, who has remained in custody from 14.11.2007, may now be enlarged on bail, submits the counsel.

3. The learned Prosecutor opposes the application. The case diary has been placed before me. The learned Prosecutor submits that the available indications point convincingly to the complicity of the petitioner. Even the F.I. statement lodged by the mother of the deceased clearly speaks of the matrimonial cruelty inflicted on the deceased by the petitioner herein. He further points out that the statements of the neighbouring witnesses clearly show that there was immediately precedent acts of cruelty on the part of the petitioner before the victim poured kerosene and set her self ablaze. In any view of the matter, the petitioner is not entitled to be enlarged on bail at this early stage, submits the Prosecutor.

4. Having perused the case diary and having considered all the relevant inputs, I find merit in the opposition by the learned Prosecutor. I am satisfied that at this early stage of investigation, the petitioner is not entitled to be released on bail. The Investigators, in a

serious crime like this, must be given sufficient time to complete the investigation, I am satisfied.

4. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move this court or the courts below for bail again at a later stage of the investigation, not at any rate, prior to 13.12.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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